

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CEDRIC GREENE,

Plaintiff,

v.

GREYHOUND LINES, INC.,

Defendant.

Case No. 2:15-cv-00174-RFB-GWF

**ORDER ADOPTING REPORT &
RECOMMENDATION OF
MAGISTRATE JUDGE GEORGE
FOLEY, JR.**

I. INTRODUCTION

Before the Court for consideration is the Report and Recommendation of the Honorable George Foley, Jr., United States Magistrate Judge, entered October 5, 2010, that the action be dismissed with prejudice. ECF No. 10. Plaintiff Greene filed an objection to the Report and Recommendation on November 9, 2015. ECF No. 13. The Court has conducted a *de novo* review of the record and, as set forth below, adopts the Report and Recommendation and dismisses the Plaintiff's action without prejudice.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct "any review," *de novo* or otherwise, of the report and recommendations of a magistrate judge.

1 Thomas v. Arn, 474 U.S. 140, 149 (1985). Here, the Plaintiff objects to the Report and
2 Recommendation which recommended rejecting the Judge Foley's Report and Recommendation.
3 Accordingly, the Court will conduct a *de novo* review.

4 The Court has conducted a *de novo* review of the filings in this case. Judge Foley
5 recommends dismissal of the Plaintiff's Amended Complaint (ECF No. 9) on the basis of improper
6 venue. See 28 U.S.C. § 1391(b); Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir.1986)
7 (permitting a district court to dismiss an action *sua sponte* for improper venue).

8 Plaintiff does not contest Judge Foley's finding that venue in the district of Nevada is
9 inappropriate. In fact, in his Objection, Plaintiff states "[t]he cause of action occurred at 2103 San
10 Pablo Avenue, Oakland, California 94612. Greene does acknowledge that the parties and the cause
11 of action did not take place within the District Of Nevada." ECF No. 13 at 1.

12 Therefore, the Court adopts Judge Foley's recommendation to dismiss Plaintiff's action
13 without prejudice.

14 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 10) is
15 ADOPTED in full.

16 **IT IS FURTHER ORDERED** that the action is dismissed without prejudice. Plaintiff is
17 instructed that he may commence a new action in which he either pays the appropriate filing fee
18 in full or submits a completed application to proceed *in forma pauperis*

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20 DATED this 30th day of December, 2015.



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22 **RICHARD F. BOULWARE, II**
23 **UNITED STATES DISTRICT JUDGE**
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